

# Idaho Heating, Ventilation and Air Conditioning Board Meeting

Thursday – January 29, 2004  
Division of Building Safety – Meridian, Idaho

**CALL TO ORDER** Chairman Minegar called the meeting to order at 9:05 am on Thursday, January 29, 2004 at the Division of Building Safety, Meridian, Idaho.

**PRESENT** Board members present included Pat Minegar, Russ Firkins, Carol Alexander, Jim Bledsoe, Steve Brown, and Steve Keys. Present from the Division of Building Safety were Dave Munroe, Administrator; Marsi Woody, Financial Officer; Ted Hogander, Plumbing Bureau Chief; Jack Rayne, Building Bureau Chief; and Shauna Wallace, Administrative Assistant and recording secretary.

Also present were Bruce Graham, Quality Heating; Ed Howland, Boise State University; Bob Corbell, IEC/HVAC Associations; and Dennis Garner, A&H Supply.

**INTRODUCTIONS** Chairman Minegar welcomed everyone in the room. Meeting attendees introduced themselves and stated their affiliation. Guests were asked to silence all electronic devices for the duration of the meeting.

**MINUTES OF** Russ Firkins moved to approve the minutes of the Idaho Heating, Ventilation and Air  
11/13/03, 11/17/03 Conditioning Board meeting of November 13, 2003 with technical corrections. The  
AND 12/04/03 technical corrections were in paragraph two of page three; each reference to  
Mr. Goyen is to be changed to Mr. Graham. Seconded. Passed.

Mr. Firkins moved to approve the minutes of the Idaho Heating, Ventilation and Air  
Conditioning Board meeting of November 17, 2003 as presented. Seconded. Passed.

Jim Bledsoe moved to approve the minutes of the Idaho Heating, Ventilation and Air  
Conditioning Board meeting of December 4, 2003 as presented. Seconded. Passed.

**ADMINISTRATIVE** Chairman Minegar pointed out there were a few issues in the proposed administrative  
**RULES REPORT** rules the Board needed to address further. They were contemplating removing the apprenticeship program and fee schedule portions of the proposed administrative rules. The Board was also considering moving out the implementation date for permitting and inspecting.

The apprenticeship portion of the submitted administrative rules was patterned after the electrical and plumbing bureaus. However, upon further review, it was determined the HVAC program has different needs. The apprenticeship program needed to be revisited.

The other issue was the fee schedule. There has been a lot of concern about the fee schedule and the Board has received a lot of comments. It was determined the fee scheduled needed to be revisited.

Chairman Minegar invited Bob Corbell to give a report on the progress of the proposed administrative rules. Mr. Corbell began his report by giving an example of how the proposed fee schedule would significantly increase some fees in Eastern Idaho. A cap on fees was considered, but Mr. Corbell reported the rules would either be approved or rejected by the Legislature. He also reported that a temporary rule submitted at a later date to change the fees was not a possibility.

Mr. Corbell reported that the proposed legislation that was handed out [RS13804 – 2/2/04 SLW] states inspections and permitting would begin October 1, 2004. That would only give three months for the Division of Building Safety to get the program up and running. Mr. Corbell recommended moving that date to January 1, 2005 to assist with funding.

Mr. Corbell then addressed the apprenticeship program in the proposed administrative rules. The manner in which that section was written indicates the apprentice could not be a journeyman in any type, or portion, of a job until a four-year training program was completed. There are people who will probably focus on sheet metal, gas fitter, etc. Mr. Corbell reported there is consensus statewide that employers can't afford to send an apprentice on a four-year program out with a journeyman for four years. He suggested looking at what Bruce Graham proposes in the way of breaking down the apprentice category into different competency levels and how an individual would qualify in each category.

Mr. Corbell suggested to the Board that once those sections of the rules are removed, the Board could propose a temporary rule after the Legislature adjourns to readdress the issues.

Chairman Minegar asked Marsi Woody to address the funding issues the Division of Building Safety is facing if Mr. Corbell's suggested changes were made. Ms. Woody reiterated that it was acceptable to not spend all the cash for the fiscal year; however, it couldn't be spent the following fiscal year without appropriation. Ms. Woody will adjust the budget request by subtracting three months of inspector costs, which would reflect a start date for inspections and permitting of January 1, 2005.

Chairman Minegar conveyed to the Board concerns that had been discussed with him regarding what motivation contractors will have, other than the requirement by law, to get licensed July 1, 2004 if permitting and inspecting won't begin until January 1, 2005. Mr. Bledsoe reminded the group that contractors have to have their certificates of competency July 1, 2004 in order to get permits in areas that have jurisdiction. Mr. Graham wondered if the Board would be extending the grace period for obtaining certificates of competency past January 1, 2005 if the permitting and inspecting start date was to be changed to January 1, 2005. Chairman Minegar said the Board would be making that change if the start date were moved. He also stated his position is that if the grace period is extended then the proof provided to the Board needs to date back to at least the July 1, 2004 date.

Carol Alexander told the Board the only thing she's heard from inspectors is that they want to be able to be certified without being a journeyman. Ms. Alexander began by becoming certified without being a mechanical journeyman.

Chairman Minegar asked Mr. Munroe what he had to add. Mr. Munroe said that while the House Business Committee had already heard the rules they had set them aside for further discussion. He informed the Board he would be attending another House Business Committee meeting that afternoon. Mr. Munroe had asked the Senate Commerce and Human Resources Committee to wait to review the rules as he expected there would be changes made and he didn't want to waste their time. Mr. Munroe explained that everything was pretty well set up to take out the permitting and apprentice portions of the proposed administrative rules. Mr. Munroe responded to a question from Mr. Firkins that Sections 024, 061 and 062 were to be removed. Mr. Firkins was concerned that if fees were removed from the rules then the soonest fees could be reinstated would be July 1, 2005. It was Mr. Firkins' understanding that it wouldn't make any sense to change the legislation to move the inspection and permit dates to January 1, 2005, as there would be no fees. Mr. Firkins wondered if it would be possible to have the fees changed rather than removed from the rules. Mr. Corbell told the Board he believed if the fees were left in the rule the Legislature wouldn't approve it. One alternative would be to introduce fee legislation with a sunset clause in it to allow the Board time to revisit the fee rule. Mr. Munroe pointed out that it would be difficult to use legislation to revise the fees as the Board would have to wait until the other legislation that has been proposed by the industry had completed the legislative process. In response to Ms. Alexander's request for clarification of the chief opposition to the fees as they've been proposed, Mr. Corbell relayed that some local jurisdictions have fees currently in effect that are significantly lower than those proposed by the Board. After some discussion regarding the interpretation of the way the fees were written into the proposed administrative rules the Board agreed clarification on how to calculate the fees is necessary. The Board discussed how the fees could be written more clearly and asked Mr. Munroe to check on replacing some fee schedule language rather than removing the fee schedule all together. After discussing the replacement language option with Representative Gagner, Mr. Munroe will not be requesting a language change, but rather he will be staying with the original plan to simply remove the fees altogether (and the apprentice section). Mr. Munroe also reported to the Board that Rep. Gagner would like to meet after the session with everyone concerned regarding the fees.

Mr. Firkins moved that Sections 024. HVAC APPRENTICE REQUIREMENTS FOR REGISTRATION, 061. HVAC INSTALLATION PERMIT AND INSPECTION FEES – PRIOR TO COMMENCEMENT OF WORK, and 062. HVAC INSTALLATION PERMIT AND INSPECTION FEES – AFTER COMMENCEMENT OF WORK be removed from pending rule docket #07-0701-0301; and that the remainder of the pending rule docket, as previously approved by the Board, be presented to the Legislature for approval. Seconded. Passed.

Chairman Minegar said the Board would then revisit the fees issue with a temporary and proposed rulemaking. Mr. Corbell reminded the Board that the rulemaking would have to be approved by the Governor.

Mr. Corbell reported to the Board that there is a glitch in the law that allows a person to sue a Board member on an individual personal basis leaving the Board member's personal assets at risk. Currently legislation is being introduced to change the law disallowing individual Board members to be sued.

Mr. Firkins began the review of RS13804 that was distributed by Mr. Corbell. There were a couple of issues Mr. Firkins felt the Board needed to review. On page 2 the definitions for specialty contractor and specialty journeyman are the same. Subsection 7 appears to be a duplication of subsection 6. Mr. Firkins believes that some of the wording from the definition for HVAC journeyman in subsection 4 needs to be incorporated into subsection 7.

On page 3, subsection 4, line 21 is interpreted by Mr. Firkins as giving the Board the authority to establish fines to be paid for civil penalties. He informed the Board there is currently a bill that has been printed giving the Plumbing Board the authority to issue civil penalties and Mr. Firkins was curious as to why the Plumbing version is different from the HVAC version. It appeared to Mr. Firkins that the HVAC Board would only have the power to set the fines, but not to issue civil penalties. Mr. Munroe informed the Board that the administrator issues the civil penalties.

On page 3, subsection 2, line 40 Mr. Firkins suggested “state certificate of competency inspectors” be replaced with “state mechanical inspectors”. Steve Keys believed this section is stating that you have the right to inspect their credentials or qualifications. He didn’t think the person who reviewed qualifications, or licenses, would necessarily have to be a mechanical inspector. Chairman Minegar asked Mr. Corbell to review that language to ensure it reads as it was intended. Mr. Corbell stated he had received the language from Kay Manweiler. Mr. Keys suggested the reference to “certificate of competency” be deleted.

On page 5, Mr. Firkins said he believed text from lines 6 and 7 regarding the three-year renewals needed to be duplicated on line 10.

Mr. Firkins believed that the Board approved some language changes on page 7, section 54-5021, subsection 3 at the last Board meeting changing the word “or” to “and” in line 19. Specifically, line 19 should read “commercial mechanical inspectors and residential mechanical inspectors”. Mr. Firkins said there was also discussion at the last meeting about adding the word “mechanical” to some of the inspector position references. Chairman Minegar asked Shauna Wallace to review previous minutes and add those references. [*“Ms. Alexander suggested that the word “mechanical” be added as the second word in Section 54-5021(3), to read, “All mechanical inspectors shall be certified as commercial mechanical inspectors and residential mechanical inspectors.” Chairman Minegar said that was a good catch. Board consensus was to add the word. Someone else suggested adding “mechanical” to Section 54-5021(4), but there was no further discussion. – December 4, 2003 minutes as approved by the Board*]. Mr. Corbell said that Section 54-5006, subsection 2, line 40 should read, “appoint state mechanical”. Chairman Minegar reminded Mr. Corbell that line had been addressed earlier and agreed with Mr. Corbell that the word “mechanical” needed to be added.

Mr. Corbell asked the Board members to review the RS and give him any changes. After changes have been made the RS number will be RS13804C1.

Mr. Corbell asked the Board to notice the city/county option has been added on page 7, Section 54-5021, subsection 4, line 22. Regarding the requirement of the subsection of “at least one (1) fulltime certified inspector” Mr. Brown posed the question to the Board on whether or not a city or county would have to hire the Division of Building Safety if they had a part-time certified inspector.

Mr. Munroe suggested that line 23 have the word “mechanical” added to it. Jack Rayne suggested the word be added in multiple locations of the section. Section 54-5021, line 10 should read, “APPOINTMENT AND QUALIFICATION OF MECHANICAL INSPECTORS.” Line 18 should read, “All mechanical inspectors...”. Line 23 should read, “certified mechanical inspector”. Line 31 should read, “shall apply to all mechanical inspectors”. Line 25 should read, “No mechanical inspector”.

Mr. Keys asked Chairman Minegar about the requirement for a fulltime certified inspector by cities or counties. Mr. Keys suggested they could qualify as long as they have a certified inspector. Ms. Alexander suggested the language be changed requiring at least one certified mechanical inspector be employed, rather than fulltime. Mr. Firkins said he thought the intent was for the city or county to have a fulltime employee that was certified as a mechanical inspector, not that the employee had to be doing fulltime mechanical inspections. Mr. Munroe suggested requiring a permanent employee that was certified as a mechanical inspector rather than a fulltime employee. Mr. Munroe reiterated for the record the word fulltime needed to be replaced with the word permanent on page 7, line 22.

#### APPLIANCE SERVICE INDUSTRY

A service business owner had approached Mr. Bledsoe with questions regarding licensing. Currently the business owner hires out any gas piping work. Mr. Bledsoe’s thought was as long as the business was only conducting appliance service the owner wouldn’t need to have a contractor’s license. If he were going to perform gas piping or gas venting then he would need to have a contractor’s license. Mr. Bledsoe’s feeling is that people in the appliance service industry should be exempted from HVAC contractor licensing unless they’re doing gas piping or gas venting. There is a problem here where a person who owns his or her own business and is the sole employee can’t become an apprentice as there would be no journeyman to work under. Chairman Minegar reminded the Board that the grandfather clause is for anyone who can prove they’ve worked in the industry. If they can’t prove their work, then they won’t be grandfathered in. If a person decides to start gas piping then they have to go through the proper educational channels. Mr. Firkins asked that any requests or ideas for changes to the existing statute or rules from Board members or meeting guests be submitted in written form so the Board can review. Mr. Bledsoe clarified that he didn’t think the rules should be changed, only that the individual should abide by the administrative rules if he should come in. Mr. Rayne drew the Board’s attention to page 2, line 10 of the RS to point out that if exemptions were going to be made the definition of heating, ventilation and air conditioning contractor would have to be modified.

#### POLICY ON CONTACTING COMMISSIONERS

Ms. Alexander sent a memo to her civil council asking their advice on contacting city or county commissioners and legislators. They advised Ms. Alexander that as an employee of the county, if she has permission from her employer it was acceptable for her to contact commissioners. Ms. Alexander wasn’t sure if the Board had any policy that she was not aware of. Mr. Brown received permission from his county commissioners. Mr. Keys said he thought if a Board member were acting on behalf of the Board they should have prior approval from the Board; otherwise that Board member would be acting as an individual and it would be important to clarify to the commissioner or legislator on whose behalf the Board member was speaking.

## CODE DISCUSSION

Chairman Minegar reported on a meeting Wednesday with Representative Gagner and Senator Goedde during which codes were discussed. Rep. Gagner is carrying legislation this session to adopt the International Codes statewide. Chairman Minegar also said Rep. Gagner was very much in favor of the Board being in control of which code to follow rather than the Board falling under the code the Building Board chooses. Mr. Firkins stated for the record that Rep. Gagner stated twice at the meeting that he would not try to get the International Plumbing code for the coming year; that he would abide by the Uniform Plumbing Code at least for this next year. Mr. Munroe reminded the Board of the Building Board meeting to be held at the Division of Building Safety on February 10, 2004 at 1:00 pm. He suggested that Board members be in attendance.

## HVAC BUREAU CHIEF

Mr. Munroe distributed to the Board and meeting attendees copies of the plumbing bureau chief job description to use as a pattern for developing a job description for the HVAC bureau chief. Chairman Minegar asked which hire dates might apply to the position. Ms. Woody replied that July 1, 2003 was the original projected hire date. Chairman Minegar also asked how long the hiring process might take. Mr. Munroe responded that it would take at least a month. He also suggested hiring the support staff prior to hiring the bureau chief. Ms. Woody thought it might be important for the bureau chief to hire their own staff. Mr. Corbell suggested hiring a bureau chief soon so they can be a part of the entire process of getting the program up and running. Mr. Keys agreed. Ms. Woody informed the Board that the Division's licensing process is changing. Rather than being provided numerous cards for the different licenses a person may have, that person will receive one card with a list of the licenses issued and their expiration dates. Mr. Firkins recommended the hiring process be put on hold until after the legislative session adjourns.

Mr. Munroe asked the Board if they had any additions or deletions for the job description. Suggestions were five years actual experience in the HVAC trade, certified mechanical inspector or be required to obtain that certification within a specific time frame, be business minded over inspection minded. Mr. Rayne pointed out that if inspections aren't going to be part of the bureau chief's job it's a moot point to require certification. Mr. Bledsoe said the way the job description was forming it was more for an inspector, not a bureau chief. Mr. Keys suggested a separation between a bureau chief and a chief inspector. As a result, Mr. Munroe will not put in five years of actual experience and replace that with a requirement the person to be knowledgeable in the industry. Mr. Firkins thinks the bureau chief needs to have actual experience in order to train inspectors. Mr. Munroe suggested everyone e-mail their thoughts and suggestions to him and bring them for discussion to the next Board meeting. Ms. Woody had a final suggestion that if a bureau chief is hired that is not a mechanical inspector a supervisor inspector could then be hired that is a mechanical inspector to meet the knowledgeable and skilled need.

## HEARTH INDUSTRY

Chairman Minegar wanted to speak to an issue regarding the specialty hearth industry. There are some contractors from Washington working in Idaho and not crediting the work back to the state in the form of sales tax. Permitting and licensing will change the situation and require them to report the work and Washington contractors are upset about that. Chairman Minegar wanted to point out that he hadn't heard anything like that from the Idaho hearth people. Mr. Corbell reported that there would probably be legislation that would require a permit issuance information from an out-of-state contractor to also go to the State Tax Commission for them to track.

IDAHO HVAC  
BOARD 2004  
MEETING SCHEDULE

Chairman Minegar reviewed the dates for the Board to meet in 2004. Dates are February 26, 2004 in Meridian, Idaho; May 19, 2004 in Twin Falls, Idaho; July 15, 2004 in Meridian, Idaho; September 9, 2004 in Post Falls, Idaho. Mr. Firkins suggested the Board meet as soon as the Legislature adjourns.

Chairman Minegar asked the Board what they would like to see on the agenda for the February 26, 2004 meeting. Bureau chief job description.

OTHER BUSINESS

Mr. Munroe brought to the discussion the idea of combining the HVAC and plumbing inspectors. Mr. Keys said he thought dual inspectors would be fine, but that he felt that some study needs to be done to determine workload, etc. Mr. Munroe said the Division would hire more inspectors to help cover the workload. Ted Hogander was asked to discuss with the plumbing inspectors what would be required to make it happen - training, etc. Mr. Hogander was asked to bring that information to the February 26, 2004 meeting. Chairman Minegar agreed that rate of pay would have to increase along with the workload.

Mr. Corbell expressed his appreciation for the support provided by Ms. Woody and Ms. Wallace. Chairman Minegar expressed his appreciation to the Board and to those who travel to attend and participate in the Board meetings.

ADJOURNMENT

The meeting was adjourned at 11:55 am.

Respectfully submitted,  
Shauna Wallace